



KIRAN BADGUJAR

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Advocate High Court

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Ref. No.: Balkum-A-2

Date : 13 JAN 2022

To,
MahaRERA,
Bandra Kurla Complex, Mumbai

LEGAL TITLE REPORT

Sub:- Title clearance certificate with respect to Plot comprising lands bearing New Survey/Hissa Nos' i.e. 21, 22, 25/5, 25/6, 25/10/A, 25/7, 25/8, 25/9, 25/10/B, 25/11, 40/15, 40/17, 40/19, 40/18, 40/22, 41/8, 41/9, 41/10, 41/12, 41/13, 41/14, 41/17, 41/18, 42/1, 42/2, 42/3, 43/1, 43/2, 44/1, 44/2/A, 44/2/B and 45/1, admeasuring 49,520.00 sq. meters, situated at Village Balkum, Taluka and District Thane and more particularly described below (hereinafter referred to as "said Plot").

- 1/- I have investigated the title of said Plot on the request of M/s Dosti Enterprises, a Partnership Firm, having its registered office at Lawrence & Mayo House, First Floor, 276, Dr. D. N. Road, Fort, Mumbai 400 001, and following documents i.e. :-

1) Description of the Property:

All that piece and parcel of Plot comprising Non-Agricultural lands bearing New Survey/Hissa Nos' i.e. 21, 22, 25/5, 25/6, 25/10/A, 25/7, 25/8, 25/9, 25/10/B, 25/11, 40/15, 40/17, 40/19, 40/18, 40/22, 41/8, 41/9, 41/10, 41/12, 41/13, 41/14, 41/17, 41/18, 42/1, 42/2, 42/3, 43/1, 43/2, 44/1, 44/2/A, 44/2/B and 45/1, admeasuring 49,520.00 sq. meters, **the said Plot**, lying, being and situate at Village Balkum, Taluka and District Thane, within the limits of the Municipal Corporation of the City of Thane and within the Registration and Sub-Registration District of Thane and bounded as : on or towards East: New Survey/Hissa Nos 43/3, West : New Survey/Hissa Nos 25/2, North: 40/8 and South: New Survey/Hissa Nos 47/1.

2) The Documents of allotment of said Plot:

The documents of allotment of said Plot i.e. registered Development Agreements read with Authenticated Power of Attorney/s, Deeds of Conveyance, ancillary documents and others as more particularly described in Annexure "B".

3) The 7/12 extracts dated 18.11.2021 issued by Talathi Saza Balkum, Taluka and District Thane in respect of the said Plot and respective mutation entries in respect thereof.

4) Search Report for 30 years from 1991 till 2022 in respect of the said Plot taken from the Sub-Registrar Office.



- 2/- On perusal of above mentioned documents and all other relevant documents relating to the title of said Plot, I am of the opinion that, the title of Owner/s and Developer is clear and marketable save and except the mortgages as more particularly described in **Annexure "D"**.

Owners of said land: M/s Dosti Enterprises and others as described in **Annexure "C"**

Qualifying comments/remarks :

i. **Sub-divisions with respect of said Plot-**

In respect of Old Survey No. 42, corresponding original New Survey No. 45/2 total area 6930.00 sq. mtrs. has been sub-divided and renumbered as revised New Survey No. 45/1 area 5890.00 sq. mtrs. which stands in the name of Owner and revised New Survey No. 45/2 area 1040.00 sq. mtrs. which stands in the name of Thane Municipal Corporation and handed over TMC Vide registered Deed of Declaration as the same was under reservation for 20 Mtrs. wide D.P. road as per Sanctioned Development Plan.

ii. **No Revenue or Area sharing arrangement with the Owners :**

The Development Rights in respect of said Plot granted for consideration, which has been paid and discharged and there is no provision of revenue or area sharing in said Development Agreements. Therefore, the Owners are not required for joining as the co-promoters while registering the project under the RERA as they do not fall under the definition of Promoter as provided by Maha-Rera.

- 3/- The report reflecting the flow of the title of Owner/s and Developer in respect of said plot is enclosed herewith as **Annexure "A"**.

Encl : Annexures as above

Date : 31 JAN 2022




(KIRAN BADGUJAR)
Advocate

ANNEXURE "A"

FLOW OF THE TITLE OF THE SAID PLOT :

Sr. No.	Old S/H No.	New S/H No.	Area (Sq. Mtrs.)	Title Flow
1.	270	21	1900	1. As reflects from revenue record, said Lands were held by the Government of Maharashtra (hereinafter referred to as "the Government of Maharashtra").
2.	271	22	2300	
				2. On perusal of 7/12 extracts of the said Lands, it appears that the said Lands have not been declared as "Forest" Land, under the provisions of Indian Forest Act, 1927 and/or Maharashtra Private Forest Act, 1975.
				3. Vide Notification issued by Revenue and Forest Department bearing No. JAMIN/2709/P.K.2/J-4 dated 31 st August, 2009, the Government of Maharashtra has approved the grant of the said lands to and in favour of M/s Dosti Enterprises, the Owners herein on payment of purchase price as more particularly contained therein. Accordingly, the entire purchase price has been duly paid by the said M/s Dosti Enterprises to the Government of Maharashtra.
				4. Vide Order of the Collector, Thane bearing No. Mahasul/K-1/T-1/LBP/SR/09/2011 dated 26/08/2011, the Collector, Thane has approved the grant of said lands on ownership basis to and in favour of said M/s Dosti



				Enterprises for development purpose in accordance with the terms and conditions as more particularly contained therein. Accordingly the name of said M/s Dosti Enterprises has been recorded on 7/12 extracts of said lands as Owners and subsequently proper Agreement for Occupancy Rights dated 31/12/2011 has been duly executed and registered with the concerned Sub-Registrar of Assurance on 25/01/2012.
3.	22/5	25/5	2300	<ol style="list-style-type: none"> 1. Said Land is an ancestral property of Chandribai Divdya Bhoir and others, (hereinafter referred to as "said Owners"). 2. The said Land is not acquired by the Govt. under Section 10(5) of the Urban Land (Ceiling and Regulations) Act, 1976. Further, no development scheme under Section 20 and 21 of said ULC Act has been sanctioned in respect of said Land. As such, as per the provisions of ULC Repeal Act 1999, the provisions of ULC Act are not applicable to the said Land. 3. On perusal of 7/12 extract of said Land, it is clear that, the said Land has not been declared as "Forest", under the provisions of Indian Forest Act, 1927 and/or Maharashtra Private Forest Act, 1975. 4. By and under registered Development Agreement read with authenticated Power of Attorney both dated 30th



				<p>December, 2004, the said owners had granted the development rights in respect of said Land for consideration to and in favour of one M/s. Siddhi Enterprises and delivered the possession thereof to said M/s Siddhi Enterprises, ("said Siddhi").</p> <p>5. By and under registered Development Agreement read with authenticated Power of Attorney both dated 24th August, 2006, executed by the said Owners including their family members and said Siddhi as the Confirming Party, the development rights in the said Land has been granted for consideration to and in favour of M/s Dosti Enterprises, the Developers herein, or its nominees or assignees as the said M/s Dosti Enterprises may desire and delivered the possession thereof to said M/s Dosti Enterprises.</p> <p>6. Below mentioned proceedings are pending in respect of said land, in the said proceedings no prohibitory order and/or any order affecting the title of said Owners and Developers has been passed by the Hon'ble Court. The details of said proceedings are as under :</p> <p>i) SCS No. 389/2017 before the C.J.S.D., at Thane, filed by M/s Dosti Enterprises against one Sachin Vinayak Gharat and others.</p> <p>ii) SCS 35/2017 before the C.J.S.D., at Thane, filed by one Sachin Vinayak Gharat and others against One</p>
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				<p>Sharda Shivaji Patil and others including M/s Dosti Enterprises.</p> <p>iii) SCS 16/2013 before the C.J.S.D., at Thane, filed by one Sudhakar Yashwant Bhoir and others against One Yamunabai Hajare and others including M/s Dosti Enterprises.</p> <p>iv) RCS 586/2011 before the C.J.J.D., at Thane, filed by one Yamunabai Hajare and others against Sudhakar Yashwant Bhoir and others including M/s Dosti Enterprises.</p>
4.	22/6	25/6	830	<p>1. Said Land are an ancestral property of Manoj Jagannath Bhoir and others (hereinafter referred to as "said Owners").</p> <p>2. By and under Order dated 23rd August, 2002 issued under Section 8(4) of the Urban Land Ceiling and Regulations Act, 1976 ("ULC ACT") - since repealed w.e.f. 29th November, 2007, the Addl. Collector and Competent Authority, Thane, has declared said Lands as "Retainable Land" of the said owners.</p> <p>3. On perusal of 7/12 extracts of said Lands, it appears that the said Lands have not been declared as "Forest", under the provisions of Indian Forest Act, 1927 and/or Maharashtra Private Forest Act, 1975.</p> <p>4. By and under registered Agreement for Development read with Authenticated Power of Attorney both dated 4th February, 2005, the said owners had</p>
5.	22/10(Pt)	25/10/A	1180	



				<p>granted the development rights in respect of said Lands for consideration to and in favour of one M/s. Siddhi Enterprises ("said Siddhi") and delivered the possession thereof to said Siddhi.</p> <p>5. By and under further documents including -</p> <p>a. Registered Development Agreement dated 7th November, 2006 read with Authenticated Power of Attorney dated 9th November, 2006 and ;</p> <p>b. Registered Deed of Confirmation cum Declaration read with Authenticated Power of Attorney both dated 26th February, 2007,</p> <p>c. Registered Deed of Confirmation read with Authenticated Power of Attorney both dated 2nd January, 2008,</p> <p>d. Registered Deed of Confirmation dated 15th April, 2008 read with Authenticated Power of Attorney both dated 16th April, 2008,</p> <p>e. Registered Deed of Confirmation read with Authenticated Power of Attorney both dated 3rd July, 2008,</p> <p>f. Registered Deed of Confirmation cum Supplementary Agreement and Authenticated Power of Attorney both dated 25th</p>
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				<p>September, 2009,</p> <p>-executed by the said Owners with their different sets of family members and said Siddhi as Confirming Party, the development rights in the said Lands have been granted for consideration to and in favour of M/s Dosti Enterprises, the Developers herein, or its nominees or assignees as the said M/s Dosti Enterprises may desire and further delivered the possession thereof to said M/s Dosti Enterprises.</p> <p>6. Following litigations are pending in respect of said lands, however no adverse order affecting the title of the Owners and rights of Developers in the said lands is passed by the Hon'ble Court:</p> <p>i) Suit bearing SCS 149/2010, pending before CJSD, Thane, filed by Ramesh Padman Bhoir and others against Janardan J. Bhoir and others including M/s Dosti Enterprises.</p> <p>ii) Suit bearing RCS 1/2015 in respect of said lands is pending in CJSD, Thane, filed by Kisan Waman Bhoir and others against Vimal Janardhan Bhoir and others including M/s Dosti Enterprises. In the said suit ad-interim and permanent injunction application was rejected by Hon'ble Court and impugning said rejection order an Appeal bearing MCA no. 31/2018 is pending before the Hon'ble District Judge, Thane, filed by the</p>
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				<p>Appellants i.e. the Plaintiffs in said suit against Vimal Janardhan Bhoir and others including M/s Dosti Enterprises. In the said Suit and Appeal no order affecting the title of said land is passed.</p> <p>iii) Appeal bearing RCA No. 23 of 2021 filed by M/s Siddhi Enterprises against Mangesh Anant Vaiti and others including said M/s Dosti Enterprises impugning the Judgment and Decree (Partly Decree) dated 26.03.2021 in suit No. SCS 194 of 2009, is pending before District Court, Thane. In the said Appeal, the Hon'ble Court pleased to grant interim stay to the operation and execution of said impugned Judgment and Decree till the disposal of stay application by its Order dated 08.04.2021, however, said stay order does not affect the rights and title of M/s Dosti Enterprises from developing and/or dealing with the said land and or premises to be constructed thereon in any manner whatsoever as the Hon'ble Court has observed in paragraph no. 57 of the said impugned Judgment and Decree and finally concluded that the Plaintiffs are not entitled to any reliefs in respect of New Survey No. 25/6, 25/10A and 25/10B, 35/10 and 40/3 of Village Balkum, Taluka and District Thane acquired by said M/s Dosti Enterprises.</p>
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6.	22/7	25/7	2600	<ol style="list-style-type: none">1. Said Land was an ancestral property of MathurabaiPaduPatil and others (hereinafter referred to as "said Original Owners").2. Under Order dated 13th November, 2007, issued under Section 8(4) of the Urban Land Ceiling and Regulations Act, 1976 ("ULC ACT") - since repealed w.e.f. 29th November, 2007, the Addl. Collector of Thane and Competent Authority has declared said Land as "Retainable Land" of said Original Owners.3. On perusal of 7/12 extract of said Land it appears that, the said Land has not been declared as "Forest", under the provisions of Indian Forest Act, 1927 and/or Maharashtra Private Forest Act, 1975.4. By and under registered Agreement for Development read with Authenticated Power of Attorney both dated 20/11/2006, said Original Owners have granted the Development Rights in respect of the said Land for consideration to and in favour of M/s. Dosti Enterprises, the Owners herein, or its nominees or assignees as the said M/s Dosti Enterprises may desire and delivered the possession thereof to said M/s Dosti Enterprises.5. By and under registered Deed of Conveyance dated 15/03/2018, the said land has been duly sold, conveyed and transferred to and in favour of said M/s
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				Dosti Enterprises and said M/s Dosti Enterprises become the absolute owner thereof.
7.	22/8	25/8	1040	<p>1. Said Land is an ancestral property of Manjula Harishchandra Patil and others (hereinafter referred to as "said Owners").</p> <p>2. By and under Order dated 13th November, 2007, issued under Section 8(4) of the Urban Land Ceiling and Regulations Act, 1976 ("ULC ACT") - since repealed w.e.f. 29th November, 2007, the Addl. Collector of Thane and Competent Authority, has declared the said Land as "Retainable Land" of said Owners.</p> <p>3. As per provisions of Bombay Tenancy and Agricultural Land Act, 1948 (for short "TENANCY ACT") on tiller day i.e. 1st April, 1957, one Kundamal Jasaji was the holder and ancestors of the Owners herein were the Agricultural Tenant and "Deemed Purchaser" of said Land. As per the Judgments and Orders from time to time from the Agricultural Land Tribunal and Tahasildar, Thane and Revenue Authorities, the heirs of Motya Posha Patil became the Kabjedar and owners of the said Land. Thus, at present said Manjula Harishchandra Patil and others are holding the said Land as Owners.</p> <p>4. Under the provisions of Section 43 of Tenancy Act, the Competent Authority has relaxed the condition u/s 43 of</p>



				<p>Tenancy Act.</p> <p>5. On perusal of 7/12 extract of said Land, it appears that the said Land has not been declared as "Forest", under the provisions of Indian Forest Act, 1927 and/or Maharashtra Private Forest Act, 1975.</p> <p>6. By and under registered Agreement for Development read with authenticated Power of Attorney both dated 6th December, 2004, the said Owners had granted the development rights in respect of the said Land for consideration to and in favour of one M/s. Siddhi Enterprises and delivered the possession thereof to said M/s Siddhi Enterprises ("said Siddhi").</p> <p>7. By and under registered Development Agreement read with authenticated Power of Attorney both dated 16th August, 2006, executed by the said Owners and said Siddhi as the Confirming Party, the development rights in the said Land has been granted for consideration to and in favour of M/s Dosti Enterprises, the Developers herein, or its nominees or assignees as the said M/s Dosti Enterprises may desire and further delivered the possession thereof to said M/s Dosti Enterprises.</p>
8.	22/9	25/9	1440	<p>1. Previously said Land was an ancestral property of Prashant Madhukar Patil and others and Shalini Ramesh Veta (hereinafter referred to as "said</p>

